

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

J.H., on behalf of her minor child, J.P.,

Plaintiffs,¹

vs.

No. CIV 12-0128 JB/LAM

CEE KAYE NATION, Principal;
ALISON GONZALES, Teacher;
J.M. SHARKEY, Bernalillo County Deputy;
and BERNALILLO COUNTY,

Defendants.

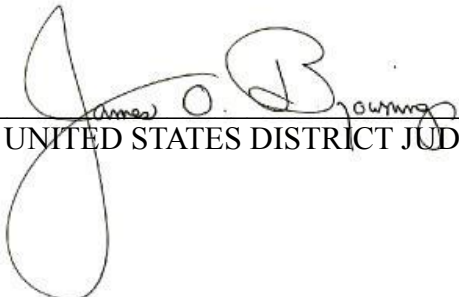
FINAL JUDGMENT

THIS MATTER comes before the Court on: (i) the Order Granting Rule 41(a) Stipulation of Dismissal of Defendants Cee Kay Nation and Alison Gonzales Without Prejudice, filed November 9, 2012 (Doc. 40)(“Stipulation”); (ii) the Order, filed September 12, 2013 (Doc. 128)(“Sept. 12, 2013, Order”); (iii) the Order, filed September 25, 2013 (Doc. 130)(“Sept. 25, 2013, Order”); (iv) the Order, filed September 27, 2013 (Doc. 132)(“Sept. 27, 2013, Order”); and (v) the Order, filed March 31, 2014 (Doc. 139)(“March 31, 2014, Order”). In the Stipulation, Plaintiff J.H., on behalf of her minor child, J.P., and Defendants Cee Kay Nation and Alison Gonzales stipulated to the dismissal of all claims against Nation and Gonzales without prejudice. See Stipulation at 1. In the Sept. 12, 2013, Order, the Court dismissed J.H.’s claims against Defendant J.M. Sharkey for violating her right to substantive due-process under the Fourteenth

¹There is some inconsistency about the parties’ names in the briefing. Sometimes, the parties refer to J.H., on behalf of her minor child, J.P., as a singular Plaintiff, and sometimes the parties refer to J.H. and J.P. as plural Plaintiffs. Even though the Plaintiffs’ briefing does not clearly prefer one name over the other, and even though the caption refers to the Plaintiffs in the plural, the Court will use “J.H.,” because J.H. brings this case on behalf of J.P.

Amendment to the Constitution of the United States of America. See Sept. 12, 2013, Order at 1. In the Sept. 25, 2013, Order, the Court dismissed J.H.'s claim against J.M. Sharkey for violating her right against unlawful seizure under the Fourth Amendment to the Constitution. See Sept. 25, 2013, Order at 1. In the Sept. 27, 2013, Order, the Court dismissed J.H.'s municipal liability claim against Defendant Bernalillo County. See Sept. 27, 2013, Order at 1. In the March 31, 2014, Order, the Court dismissed: (i) J.H.'s claim against Sharkey for violating her right against excessive use of force under the Fourth Amendment; and (ii) J.H.'s claims against Sharkey and Bernalillo County for violating the Americans with Disabilities Act, 42 U.S.C. 1201 et seq. See March 31, 2014, Order at 1. As the Court has adjudicated all of J.H.'s claims, final judgment is appropriate.

IT IS ORDERED that: (i) all of the claims that Plaintiff J.H., on behalf of her minor child, J.P., brings against Defendants Cee Kaye Nation and Alison Gonzales are dismissed without prejudice; (ii) all of J.H.'s claims against Defendants J.M. Sharkey and Bernalillo County are dismissed with prejudice; and (iii) final judgment is entered.



UNITED STATES DISTRICT JUDGE

Counsel:

Joseph P. Kennedy
Shannon L. Kennedy
Laura Schauer Ives
Kennedy Kennedy & Ives, LLC
Albuquerque, New Mexico

Attorneys for the Plaintiff

Terri S. Beach
Miller Stratvert, P.A.
Albuquerque, New Mexico

--and--

Luis E. Robles
Marcus J. Rael, Jr.
Robles, Rael & Anaya, P.C.
Albuquerque, New Mexico

Attorneys for Defendants Bernalillo County and J.M. Sharkey

Jeremy K. Harrison
Megan Muirhead
Modrall, Sperling, Roehl, Harris & Sisk, P.A.
Albuquerque, New Mexico

Attorneys for Defendants Cee Kaye Nation and Alison Gonzales